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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,682	12/21/2001	Juha Rasanen	915-410-1	8139

7590 05/05/2004

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EXAMINER

TSEGAYE, SABA

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/026,682

Applicant(s)

RASANEN ET AL.

Examiner

Saba Tsegaye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasanen (WO 97/12490) in view of Chung et al. (US 5,901,135).

Regarding claims 1, 2, 12, 13 and 22, Rasanen discloses, in Fig. 1, a network system, in which data is transmitted in form of transmission frames comprising:

a network control unit (MSC) for controlling communication in the network; and

a terminal (DTE) for receiving and transmitting data from/to the network control unit (MSC); wherein

the network control unit (MSC) is adapted to receive a request for changing a data rate from a first user data rate to a second user data rate (page 13, line 21-page 15, line 20).

However, Rasanen does not expressly disclose that the control unit adds/deletes fill data to/from a transmission frame corresponding to the requested change of the data rate.

Chung teaches, in Fig. 1, a rate adapter 107 that provide the appropriate stuff and delete bits necessary to maintain the output of source 105 at the nominal rate. Further, rate adapter 127 reverses the stuff or delete bit process provided by adapter 107.

It would have been obvious to one ordinary skill in the art at the time the invention was made to add a system that adds/deletes fill data, such as that suggested by Chung, in the system

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of Rasanen. One would have been motivated to do this because fill data allows the terminal to know if a data rate is changed according to the request and further to adjust the data rate according to the change.

Regarding claims 3 and 14, Rasanen discloses the network system wherein the transmission data rate remains unchanged upon the change of the user data rate (page 22, line 18-24).

Regarding claims 4-8 and 15-20, Rasanen discloses all the claim limitations as stated above, except for: discards fill data; indications of presence of fill data, amount of fill data, and absence of fill data.

Chung shows, in Fig. 6, a bit designated by reference numerals 601 and 602, is the stuff/delete bit indicator which indicates whether bit 602 is a stuff bit or a delete bit (column 4, lines 34-48).

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teachings from Chung of adding adds/deletes fill data including fill indication to the message disclosed by Rasanen. One would have been motivated to do this because adding indication allows the receiver to know if the fill data/stuff is present and if a data rate is changed according to the request.

Regarding claims 9-11 and 21, Rasanen discloses a network control unit (MSC) comprises a network interworking means (41) (pages 9-10).

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*Conclusion*


3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Strunk (US 6,108,348) discloses a rate adaptation apparatus for use in narrowband data and facsimile communications system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (703) 308-4754. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST  
April 30, 2004

  
**JOHN PEZZLO**  
**PRIMARY EXAMINER**